

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon. Brian R. Martinotti, U.S.D.J.
	:	
v.	:	Crim. No. 20-418
	:	
JOSE TORRES	:	Motion for Continuance and
	:	Exclusion of Time under the
	:	Speedy Trial Act

PLEASE TAKE NOTICE that the United States of America (Philip R. Sellinger, United States Attorney, by Emma Spiro and Shawn Barnes, Assistant United States Attorneys), hereby applies to the Court for an Order continuing the proceedings herein pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161. In support of this application, the Government represents that:

1. Defendant's trial is scheduled for May 8, 2023. This date was set following a backlog of criminal cases pending jury trial due to the COVID-19 pandemic. It was discussed with all parties on the record at a hearing on August 23, 2022.

2. During a hearing with the Court on February 22, 2023, the Court granted Defendant's motion to proceed *pro se* and Defendant indicated that he was ready and willing to proceed to trial as scheduled on May 8, 2023.

3. During that same hearing, the parties discussed a Scheduling Order and the Court ordered that all motions *in limine* shall be filed on or before April 7, 2023. See Dkt. No. 228. Defendant also indicated that he intended to file numerous additional motions prior to trial. The Court set other pretrial

deadlines, including for the Government's disclosure of exhibits and Jencks Act materials.

4. Defendant has refused to authorize continuances in this matter.

5. Thus, in the interests of justice, a continuance should be ordered from February 23, 2023 through May 8, 2023, at which time the case will proceed to trial. Such continuance order is required to account for the filing and resolution of the Defendant's pretrial motions, as well as to permit the Defendant adequate time to prepare for trial, including a review of all Government exhibits and pre-trial disclosures.

6. Accordingly, pursuant to Title 18, United States Code, Section 3161(h)(7), the ends of justice served by granting the continuance outweigh the best interest of the public and Defendant in a speedy trial.

WHEREFORE, for the reasons set forth above, the Government respectfully requests that this Court enter an appropriate Order in this matter granting a continuance of this matter from the date of the Order through May 8, 2023, and for such other and further relief as this Court deems just and proper.

Respectfully submitted,

PHILIP R. SELLINGER
United States Attorney



By: Emma Spiro
Shawn Barnes
Assistant U.S. Attorneys

Dated: February 23, 2023

SO ORDERED THIS ____ DAY OF _____, 2023

Hon. Brian R. Martinotti
United States District Judge